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followed by summaries of the important or typical cases construing or applying it. There are two indices to each set of rules — a title-and-number index and a subject index. In addition, the *addenda* contain the judiciary acts from the Act of 1789 to date. We miss only the recent act giving the government a limited right of appeal in criminal cases. Besides some straggling forms there are scattered, here and there, unpretentious and incomplete collections of statutes and decisions on the jurisdiction of federal courts, which (particularly in view of Mr. Rose's recent treatise) are of little use.

In so far as Mr. Dewhurst attempted a serviceable edition of the chief body of federal rules of practice, as expressed in rules of courts and not embodied in statutes, he has largely accomplished his purpose. For such an undertaking accuracy, thoroughness, and ease of reference are indispensable. We have had occasion to make practical use of the "Rules" and found it both accurate and complete. Also, after a careful examination, it compares favorably with the treatment of the rules in Rose's Code of Federal Procedure. For instance, the subject indices are even fuller than Rose's. The latter treatise is much wider in scope, welding statutes and rules of court into one comprehensive code; the present book is not therefore displaced by Rose and has an independent usefulness. Yet this compilation is somewhat lacking in scholarship, arrangement, and analysis. Thus, there might well be a general introductory note on the scope and history of each body of rules. In a future edition, too, the annotations should be topically classified, dealing as they frequently do with different portions of a rule, instead of spreading the cases all in a heap, at times, over ten pages. See pp. 49, 74, 190, 202. We also miss a table of cases, though in a work of this character, particularly in view of the complete indices, it is not indispensable. On the whole, this collection should lighten the irksome drudgery of the federal practitioner.

F. F.

THE LAW OF TAXATION BY SPECIAL ASSESSMENTS. By Charles H. Hamilton. Chicago: George I. Jones. 1907. pp. lxxxv, 937. 8vo.

The true text-book should not be primarily an index to the decisions — that is the peculiar function of the digest. The object of the text-book is rather to set forth, as a digest never can, the fundamental principles of the law of the subject and to show the relations of the decisions to these principles. It cannot be said that "Hamilton on Special Assessments" fully meets this test. The author is to be congratulated for having produced a comparatively exhaustive work on an important subject which has seldom received independent treatment. In its order of arrangement the book moves along the logical line of development: the first part is devoted to a consideration of the nature of special assessments and of the power of the state to levy them; then follow several chapters on the proceedings essential to a valid assessment; and finally, come chapters on the "Duties, Rights, and Remedies of the Taxpayer" and on "Reassessments and Proceedings to Validate Void Assessments." But it is a cause for regret that the mass of material which the author has brought together has not been so used as to result in something more than a useful compilation of authorities. The subject is one which peculiarly demands a writer who can speak "as one having authority," and who can extract from the confused and often contradictory decisions the broad principles which underlie the whole. Yet a reading of Mr. Hamilton's book fails to give an impression of power. The author has not so much mastered the cases, apparently, as he has been mastered by them. It is true that he now and then dissents vigorously from some particular decision, but there is little evidence of effort to bring the disconnected authorities into anything like organic unity.

As an example of this lack of grasp may be noted the treatment of the two leading cases of *Norwood v. Baker* (172 U. S. 269), and *French v. Barber Asphalt Paving Co.* (181 U. S. 324). Though the former is cited twelve and the latter at least seven times, there is no attempt to show exactly how the later decision restricts the earlier one. The author evidently sympathizes

strongly with the doctrine announced by Mr. Justice Harlan in *Norwood v. Baker*, and several times refers to that doctrine as if it were unquestioned; yet it is clear that he is aware that it has been a good deal shaken by the later cases. The author's failure to distinguish the general from the particular is also seen in the frequent citing of decisions without anything to indicate how far they rest on local enactments and how far on principles of universal application. The author sometimes speaks of doctrines as having been announced by one court or another, but gives no inkling as to whether or not the rules so laid down are applicable in other jurisdictions. In dealing with a subject like this, in which statutory and constitutional provisions are all-important, this failure may sometimes result in seriously misleading the reader, whether he be a student, or a practitioner interested in the law of his own jurisdiction.

A further criticism must be made as to the author's want of discrimination in his citations. A few scattering decisions or even statements of text-writers are often given as the sole support for important propositions. For example, as authority for the statement that "municipal corporations are creatures [of the legislature] and over them it is practically omnipotent," Rosewater on Special Assessments is alone cited (p. 122). So, with reference to the rule that an action will "not lie again [*sic*] a municipality for consequential damages caused by the lawful change of an established grade," six cases are cited (p. 116), all of them from Wisconsin except one from Minnesota. *Callender v. Marsh* (1 Pick. (Mass.) 418), commonly cited as the foundation of the whole doctrine, is entirely ignored. Moreover, the same want of finish extends to the purely mechanical aspect of the book. The division of the notes into sub-headings and paragraphs is often illogical and confusing, and sometimes a large amount of miscellaneous matter which seems to have been forgotten at its proper place is brought together in a long note. Typographical errors, too, are many. Not only are misprints abundant, but the notes occasionally fail to jibe with the text. On p. 172, in the midst of a collection of authorities on the "front-foot" rule, appears this paragraph with nothing to indicate how it relates to the subject:

"This was replevin for a bale of buffalo robes. The question of personal liability was not raised."

Again, on p. 228, it is said that "it has been held that a citizen or lot-owner cannot be compelled to keep it [a sidewalk] free from snow at his own expense, even under the police power, or by fine or penalty imposed by ordinance," *Gridley v. Bloomington* (88 Ill. 554) being cited. This seems a rather summary way of disposing of a difficult question, as to which the weight of authority is probably opposed to the case cited, but, when we turn to the note for some reference to the contrary decisions, we find "But see Pick." and nothing more. No doubt the author has in mind the well-known case of *Goddard, Petitioner* (16 Pick. (Mass.) 504), but a fuller citation would require less exercise of imagination on the part of the reader. It is to be hoped that these and other mechanical imperfections will be remedied in a second edition, as they impose a serious handicap upon a book which is not without value, though by no means epoch-making.

H. S. D.

COMMENTARIES ON THE CONSTITUTION OF PENNSYLVANIA. By Thomas Raeburn White. Philadelphia: T. & J. W. Johnson Co. 1907. pp. xxvii, 618. 8vo.

The people of Pennsylvania in the course of their history have had considerable experience in constitution making. William Penn, the proprietor of the Province in colonial times, under his charter from Charles II, had the right to make a form of government by and with the advice and assent of his people. Yet his first plan of government was largely of his own devising, and only in later years were the people able to take an active part. Their final Charter of Privileges, settled upon in the year 1701, was continued until the Revolution, when the patriot party adopted a constitution which was generally regarded as the worst constructed instrument of all the constitutions that